

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA,	x	
	:	Criminal Action
	:	
Plaintiff,	:	No. 2:21-cr-00127
	:	
v.	:	
	:	
RAYMOND DUGAN,	:	
	:	
Defendant.	:	APPEAL TRANSCRIPT
	x	

TRANSCRIPT OF ARRAIGNMENT HEARING
BEFORE THE HONORABLE DWANE L. TINSLEY
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
IN CHARLESTON, WEST VIRGINIA
JUNE 13, 2022

APPEARANCES:

For the Government: Julie White, Esq.
Assistant United States Attorney
United States Attorney's Office
P.O. Box 1713
Charleston, WV 25326-1713

For the Defendant: David Schles, Esq.
Suite 306
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Probation Officer: Kiara Carper

Kimberly Kaufman, RMR, CRR, CRC
Federal Official Court Reporter
300 Virginia Street East, Room 6610
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Proceedings recorded from CourtSmart; transcript produced by computer.

1 PROCEEDINGS had before The Honorable Dwane L.
2 Tinsley, Magistrate Judge, United States District Court,
3 Southern District of West Virginia, in Charleston, West
4 Virginia, on June 13, 2022, at 11:26 a.m., as follows:

5 THE COURTROOM DEPUTY CLERK: All rise.

6 The United States District Court for the Southern
7 District of West Virginia is now in session.

8 The Honorable Dwane L. Tinsley, United States
9 Magistrate Judge, presiding.

10 Please be seated and come to order.

11 THE COURT: Good morning.

12 MS. WHITE: Good morning.

13 MR. SCHLES: Good morning, Your Honor.

14 I'd -- I'd like to apologize for being late. I was out
15 of town. I must have miscalendared this hearing. I do
16 apologize.

17 THE COURT: All right. Thank you, Mr. Schles.

18 We are here this morning in the matter of *The United*
19 *States of America v. Raymond Dugan*, Case No. 2:21-cr-00127.

20 Would counsel please note their appearances for the
21 record, please.

22 MS. WHITE: Good morning, Your Honor.

23 Julie White on behalf of the government.

24 THE COURT: Good morning, Ms. White.

25 MR. SCHLES: David Schles representing the

1 defendant, Raymond Dugan, who is also present, Your Honor.

2 THE COURT: All right. Thank you, Mr. Schles.

3 Mr. Dugan, will you please rise and take an oath.

4 **RAYMOND DUGAN, DEFENDANT, SWORN**

5 THE COURT: Mr. Dugan, you have the right to
6 remain silent. Anything that you say may be used against
7 you.

8 Please state your full name for the record.

9 THE DEFENDANT: Raymond Lindley Dugan.

10 THE COURT: And, Mr. Dugan, have you received a
11 copy of the superseding indictment?

12 THE DEFENDANT: Yes, I have.

13 THE COURT: Now, this is a single-count
14 superseding indictment and it charges you in this
15 superseding indictment.

16 It states that between on or about January the 30th,
17 2019 and on or about November the 4th, 2019, within the
18 Southern District of West Virginia, that you knowingly
19 accessed with intent to view material that is computer
20 graphic image files containing images and videos of child
21 pornography that involved prepubescent minors and which had
22 been shipped and transported in -- transported in and
23 affecting interstate or foreign commerce. Also attached to
24 this superseding indictment is a notice of forfeiture.

25 And if you were to be convicted of this offense that I

1 just read off to you, you would be exposed to years in
2 prison.

3 Do you understand that?

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: And have you had an opportunity to
6 read or to review the superseding indictment?

7 THE DEFENDANT: Just a few minutes before.

8 THE COURT: Do you need some additional time?

9 THE DEFENDANT: No, sir.

10 THE COURT: Have you had an opportunity to discuss
11 the charge in the superseding indictment with your counsel,
12 Mr. Schles?

13 THE DEFENDANT: Not yet.

14 THE COURT: Do you need some time to do that?

15 THE DEFENDANT: No.

16 THE COURT: Excuse me?

17 THE DEFENDANT: No, I do not.

18 THE COURT: Are you sure?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. As to the charge contained
21 in the superseding indictment, Mr. Dugan, how do you plead?

22 THE DEFENDANT: Not guilty.

23 THE COURT: Your case is assigned to Judge
24 Goodwin. Your trial is scheduled for August the 2nd, 2022
25 at 8:30 a.m. here in Charleston.

1 And I just want to advise counsel that if any courtroom
2 technology is required for use at trial or other
3 proceedings, counsel should notify the court's technology
4 staff. A certification that the court's technology staff
5 has been notified shall be filed with the clerk no later
6 than five business days before the scheduled commencement of
7 the trial or any other proceedings.

8 Thank you. You may be seated.

9 It appears that the parties have initialed the standard
10 discovery requests, but it appears that on some of the
11 categories in terms of discovery is only initialed by
12 Mr. Schles.

13 Ms. White, is there an issue on the discovery in this
14 matter?

15 MS. WHITE: Your Honor, I apologize, Your Honor.
16 Mr. Schles and I did not have an opportunity to speak before
17 court. We've already turned over all of our discovery, but
18 I'm glad to initial those sections just in an abundance of
19 caution. Discovery's complete, motions are complete. We
20 have a signed stipulation. We're really just ready to go
21 forward with trial, but --

22 THE COURT: Okay.

23 MS. WHITE: -- I'm glad to sign those if that
24 causes some --

25 THE COURT: No, no. It's not that. I just wanted

1 to make sure --

2 MS. WHITE: Okay.

3 THE COURT: -- that the discovery has been
4 completed and --

5 MS. WHITE: Yes, Your Honor.

6 THE COURT: Normally it's initialed by both
7 counsel and I just wanted --

8 MS. WHITE: I didn't anticipate either one of us
9 initialing it so I apologize.

10 We've gone to the lab together, looked over the
11 evidence, turned everything over. I -- I don't believe
12 Mr. Schles needs anything else from us, but we're always
13 glad to turn over whatever may come up.

14 THE COURT: All right.

15 MS. WHITE: And I think he would say that we've
16 been cooperative or tried to be --

17 THE COURT: All right.

18 MS. WHITE: -- up to this point.

19 THE COURT: Thank you, Ms. White.

20 Mr. Schles, is that a fair statement from the
21 Assistant --

22 MR. SCHLES: It is, Your Honor.

23 THE COURT: -- United States Attorney?

24 MR. SCHLES: It is, Your Honor.

25 And there -- there's always the possibility of future

1 discovery arising, but I -- I have been provided everything
2 as Ms. White claimed.

3 THE COURT: All right. And I've -- I've also been
4 advised that there is no hearing on pretrial motions because
5 all that's been taken care; is that correct?

6 MS. WHITE: Yes, that was litigated extensively
7 earlier this spring, Your Honor.

8 THE COURT: All right. So based upon the
9 responses from counsel and the arraignment order and
10 standard discovery requests, it appears that the parties
11 have initialed -- at least Mr. Schles has initialed the
12 sections that deal with discovery and the Court heard the
13 statement from Ms. White that all the discovery has been
14 turned over to counsel and counsel has admitted that.

15 Is that a fair statement?

16 MR. SCHLES: It is, Your Honor.

17 THE COURT: All right. Proposed jury instructions
18 and proposed voir dire questions are due on July 26th, 2022,
19 and a witness list is due in chambers also on July 26th,
20 2022.

21 Be sure that Judge Goodwin's law clerk gets a copy of
22 all motions at the time the originals are filed in the
23 clerk's office.

24 Counsel are directed to give 30 days' notice to the
25 marshal service via writ or ASR for the production of

1 out-of-district in-custody defendants or witnesses and to
2 cancel those requests for production if the appearance
3 becomes unnecessary.

4 Now, this defendant was previously released on bond in
5 this matter.

6 Ms. White, is there any reason to adjust or modify the
7 bond at this time?

8 MS. WHITE: No, Your Honor.

9 THE COURT: All right. The Court would note for
10 the record that I have communicated with the probation
11 officer and the probation department didn't have any
12 objection to the defendant remaining on the previously
13 imposed bond.

14 So, Mr. Dugan, based upon the United States not
15 opposing or objecting to your bond being modified or revoked
16 and based on the report that I received from the probation
17 officer I'm going to allow you to remain on the previously
18 imposed \$10,000 unsecured bond with orders setting
19 conditions of release.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir, I do.

22 THE COURT: All right. And it's important,
23 Mr. Dugan, that you comply -- as you've done thus far, that
24 you comply with all your conditions of release because if
25 you fail to do so your bond could be revoked and you could

1 face additional charges.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: All right. Also the Court would like
5 to remind the United States of its obligation pursuant to
6 the Due Process Protections Act that was previously given in
7 this matter and an order was previously filed concerning
8 that obligation on the United States.

9 Is there anything further from counsel?

10 MS. WHITE: No, Your Honor.

11 Thank you.

12 MR. SCHLES: No, Your Honor.

13 THE COURT: If there's nothing further, we're
14 adjourned.

15 And, Mr. Schles, I would just suggest to you that you
16 make better use of your calendar because we accommodated you
17 to reschedule this and we heard that you were not here on
18 time, but I understand what -- what has happened, but just
19 be cautious of your schedule and --

20 MR. SCHLES: Yes, Your Honor.

21 THE COURT: -- so it won't keep everybody
22 waiting.

23 MR. SCHLES: I do apologize.

24 THE COURT: All right. If there's nothing
25 further, we're adjourned.

1 THE COURTROOM DEPUTY CLERK: All rise.

2 This Honorable Court is now recess.

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5 (Proceedings concluded at 11:36 a.m., June 13, 2022.)

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1 CERTIFICATION:

2 I, Kimberly Kaufman, Official Court Reporter, certify
3 that the foregoing is a correct transcript from the record
4 of proceedings in the matter of United States of America,
5 Plaintiff v. Raymond Dugan, Defendant, Criminal Action No.
6 2:21-cr-00127, as recorded on June 13, 2022.

7
8 s/Kimberly Kaufman, RMR, CRR, CRC

January 17, 2023

9 Kimberly Kaufman, RMR, CRR, CRC

DATE